UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,722	11/17/2003	Gary J. Dennis	98048-C1 (BLL-0066C)	2347

36192 7590 03/11/2005	**EXAMINER**	
CANTOR COLBURN LLP	NAJJAR, SALEH	
55 GRIFFIN ROAD SOUTH		
BLOOMFIELD, CT 06002	ART UNIT	PAPER NUMBER
	2157	

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/714,722	DENNIS, GARY J.
	Examiner	Art Unit
	Saleh Najjar	2157

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 November 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

1.   This action is responsive to the application filed November 17, 2003. Claims 1-7 are pending and represent a method directed toward publishing an electronic file attached to an electronic mail message.

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation of accessing the attached file, then obtaining the identity of a remote server hosting the content of the attached file. It is unclear how an attached electronic file is accessed without the associated content.

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
>   (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4.   Claims 1-4, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Luzeski et al., U.S. Patent No. 6,430,177.

Luzeski teaches the invention as claimed including a universal messaging system providing integrated voice, data, and fax services to WEB clients (see abstract).

As to claim 1, Luzeski teaches a computer-implemented method for communicating content intended for delivery to a recipient of an electronic mail message having an attached electronic file, comprising the steps of:

responsive to an input signal, accessing the attached electronic file (inbox applet) (see figs. 1-4; col. 20, lines 1-40, Luzeski discloses that an inbox applet is accessed representing an attached file);

obtaining the identity of a remote server computer hosting the content in response to accessing the attached electronic file (applet) (see col. 20, lines 1-60, Luzeski discloses that the message content is accessed from a message server in response to user input);

displaying the content intended for delivery to the recipient of the electronic mail message by using the identity of the server to establish a connection with the remote server computer (see col. 20, lines 1-60, Luzeski discloses that the messaging platform server is accessed based on the message ID to retrieve message content).

As to claim 2, Luzeski teaches the computer-implemented method of claim 1, wherein the step of displaying the content intended for delivery to the recipient of the electronic mail message comprises the steps of:

launching a browser program; providing the browser program with the identity of a the remote server hosting the content (see col. 7, lines 15-30, Luzeski discloses using a browser program to view message content);

establishing a connection by the browser program with the remote server computer; and displaying the content within a viewing window of the browser program (see col. 7, lines 30-40, Luzeski discloses using a browser to view the email content).

As to claim 3, Luzeski teaches the computer-implemented method of Claim 1, Wherein the remote server hosts a web site containing the content intended for delivery to the recipient of the electronic mail message and the attached electronic file only contains instructions for accessing the content at the web site (see col. 18-20, ,Luzeski

discloses that a web site is accessed for lists of new and old messages and that an applet is identified and downloaded to access the content).

As to claim 4, Luzeski teaches the computer-implemented method of claim 1, further comprising the step of displaying a message contained in the attached electronic file in response to receiving the input signal (see col. 19-20).

As to claim 7, Luzeski teaches the method of Claim 4 further comprising the step of opening a browser' program by launching the file attachment from a viewer program to access the content at the remote server computer in response to JavaScript commands contained in the electronic file attachment (se col. 19-20, Luzeski discloses that java applets downloaded in response to message selection for viewing the message content).

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luzeski.

Luzeski teaches the invention substantially as claimed including a universal messaging system providing integrated voice, data, and fax services to WEB clients (see abstract).

As to claim 5, Luzeski teaches the computer-implemented method of Claim 4.

Luzeski fails to teach the claimed limitation wherein the step of displaying a message contained in the attached electronic file comprises the steps of launching a document-viewing program; displaying the message within a viewing window of the document-viewing program.

However, "Official Notice" is taken that the concept and advantages of launching a document-viewing program in response to a command to display message content is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Luzeski by specifying launching a viewing program to display the content of a message. One would be motivated to do so to allow an Excel formatted attachment to be viewed through an Excel program.

As to claim 6, Luzeski teaches the computer-implemented method of Claim 5, wherein the message of the electronic file attachment comprises a text- based instruction message comprising instructions to aid the recipient's access to the content maintained by the remote server computer (see col. 18-20).

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (571)272-4006. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Saleh Najjar
Primary Examiner / Art Unit 2157